

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

SPRING BUSINESS CENTER, INC.

VS.

**TRAVELERS LLOYDS INSURANCE
COMPANY**

§
§
§
§
§
§

CIVIL ACTION NO. 4:09CV2807

DEFENDANT'S NOTICE OF REMOVAL

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

COMES NOW, The Travelers Lloyds Insurance Company, the defendant in the above entitled and numbered cause, and files this notice of removal, and respectfully shows the Court as follows:

I. STATE COURT ACTION

This case was initially filed in the 189th Judicial District Court of Harris County, Texas. The state court action is styled: Cause No. 2009-04327; Spring Business Center, Inc. v. Travelers Lloyds Insurance Company, in the 189th Judicial District Court of Harris County, Texas.

II. PARTIES

Plaintiff, Spring Business Center, Inc., is a Texas corporation with its principal place of business in the State of Texas.

Defendant, The Travelers Lloyds Insurance Company, is an unincorporated Lloyds plan insurance association whose underwriters are all citizens and residents of the State of Connecticut.

III. JURISDICTION

This Court has jurisdiction over the subject matter of this cause, pursuant to 28 U.S.C. § 1332, because this a civil action in which the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between citizens of different states. Accordingly, this cause is removable pursuant to 28 U.S.C. § 1441 and § 1446.

IV. TIMELINESS

The Travelers Lloyds Insurance Company has not been served with process, but appears voluntarily herein. Pursuant to 28 U.S.C. § 1446, this notice of removal is timely filed within thirty (30) days after receipt by The Travelers Lloyds Insurance Company of papers from which it could first be ascertained the case is one which is or has become removable.

V. ATTACHMENTS

Pursuant to 28 U.S.C. § 1446(a) and Local Rule 81, the following exhibits are attached hereto and incorporated herein by reference for all purposes:

- a. Exhibit A: Civil action cover sheet;
- b. Exhibit B: Copies of all executed processes in the case, if any;
- c. Exhibit C: Copies all pleadings asserting causes of action and all answers to such pleadings;
- d. Exhibit D: Copies of all orders signed by the state court judge, if any;
- e. Exhibit E: Copy of the state court docket sheet;
- f. Exhibit F: An index of matters being filed; and
- g. Exhibit G: A list of all counsel of record, including addresses, telephone numbers, and parties represented.

VI. CONDITIONS PRECEDENT

Defendant has tendered the filing fee required by the Clerk of the United States District Court for the Southern District of Texas, Houston Division, along with this notice of removal. A copy of this notice of removal is also being filed in the 189th Judicial District Court of Harris County, Texas, and all counsel of record are being provided with complete copies.

PRAYER

WHEREFORE, PREMISES CONSIDERED, defendant respectfully requests that the above action, styled: Cause No. 2009-04327, Spring Business Center, Inc. v. Travelers Lloyds Insurance Company, in the 189th Judicial District Court of Harris County, Texas, be removed to this Court.

Respectfully submitted,

ORGAIN BELL & TUCKER, LLP
P O Box 1751
Beaumont, TX 77704-1751
(409) 838-6412
(409) 838-6959 facsimile

//s// Greg C. Wilkins
Greg C. Wilkins
Attorney-in-charge
State Bar No. 00797669
Southern District Bar No. 33280
gcw@obt.com
Christopher A. McKinney
Of counsel
State Bar No. 24044544
Southern District Bar No. 859156
cam@obt.com

ATTORNEYS FOR DEFENDANT,
THE TRAVELERS LLOYDS INSURANCE
COMPANY

CERTIFICATE OF SERVICE

I do hereby certify that on the 31st day of August, 2009, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system and also forwarded it to the following counsel of record by Certified Mail, Return Receipt Requested.

J. Brantley Durrett, III
Attorney at Law
Sterling Bank Building
2401 Fountainview Drive
Suite 450
Houston, TX 77057

//s/ Greg C. Wilkins
Greg C. Wilkins